

GAIL SHIFMAN  
ATTORNEY AT LAW  
44 Montgomery Street  
Suite 3850  
San Francisco, CA 94104  
Telephone: (415) 551-1500  
Facsimile: (415) 551-1502

Attorney for Defendant  
ANTHONY JOSEF NORRIS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ANTHONY JOSEF NORRIS,  
  
Defendant.

Case No. CR 3-11-70588 MAG  
(JCS)

STIPULATION AND [PROPOSED]  
ORDER CONTINUING PRELIMINARY  
HEARING DATE

Plaintiff, by and through its attorney of record, Owen Martikan, and defendant, by and through his attorney of record, Gail Shifman, hereby stipulate and ask the Court to find as follows:

1. That the parties are currently scheduled for a preliminary hearing date of November 1, 2011 at 9:30 a.m. The parties have been in discussions and believe that the case will resolve without proceeding to indictment. To that end, the

1 parties are in the midst of negotiating a plea resolution to this  
2 case.

3 2. That the parties believe that a continuance of the  
4 preliminary hearing date will allow for further review of the  
5 discovery materials allowing the parties to finalize discussions  
6 to resolve the case.  
7

8 3. That the parties request that the Court vacate the  
9 November 1, 2011 preliminary hearing date and continue it until  
10 November 9, 2011 at 9:30 a.m. before the duty Magistrate Judge,  
11 Joseph Spero.

12 4. That Defendant Norris has been advised of and consents  
13 to the extension of time for the preliminary hearing beyond the  
14 time limit contained in Federal Rules of Criminal Procedure  
15 5.1(c).  
16

17 5. That the parties agree that the failure to grant such a  
18 continuance would unreasonably deny counsel the reasonable time  
19 necessary for effective preparation, taking into account the  
20 exercise of due diligence and that November 1, 2011 through  
21 November 9, 2011 should be excluded in accordance with the  
22 provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), on  
23 the basis that the ends of justice are served by taking such  
24 action which outweigh the best interest of the public and the  
25 defendant in a speedy trial and also under subsection (B)(iv) for  
26  
27  
28

1 effective preparation of counsel, taking into account the  
2 exercise of due diligence.

3  
4 Dated: October 31, 2011 \_\_\_\_\_/s/\_\_\_\_\_  
Owen Martikan  
5 Assistant United States Attorney

6 Dated: October 31, 2011 \_\_\_\_\_/s/\_\_\_\_\_  
7 Gail Shifman  
Attorney for Defendant Norris

8 **[~~PROPOSED~~] ORDER**

9  
10 This matter having come before the Court upon the  
11 Stipulation of the parties and GOOD CAUSE APPEARING, IT IS HEREBY  
12 ORDERED,

13 That the November 1, 2011 preliminary hearing date shall be  
14 vacated and continued until November 9, 2011 at 9:30 a.m. before  
15 the duty Magistrate Judge;

16  
17 And, that the time from November 1, 2011 through November 9,  
18 2011 shall be excluded in accordance with the provisions of the  
19 Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), to  
20 provide the defense time to review discovery and for effective  
21 preparation. The Court finds that (A) failure to grant the  
22 continuance would unreasonably deny defendants the reasonable  
23 time necessary for effective preparation, taking into account the  
24 exercise of due diligence; and (B) the ends of justice served by  
25 the continuance outweigh the best interests of the public and the  
26 defendants in a speedy trial. See 18 U.S.C. § 3161(h)(1)(7)(A) &  
27 (B)(iv).  
28

Dated: October 31, 2011

United States Magistrate Judge  
Joseph C. Spero